

1. As of entry of the RCE and the amendment filed on 11/26/2008, claims 1 -6, 9-18 and 21-25 are pending in this application. The claims 1 -6, 9, 18 and 21-25 are allowed based on the Examiner's amendment below.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and /or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.3.12. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The following claim has been amended upon agreement by applicant during a telephone conversation with Mr. Vladimir Raskin on February 05, 2009.

The following is amendment of set claims that will be replaced with the original set of claims

1. (Currently amended) A computer-implemented method for communicating update metadata corresponding to a software update to a client computer, the method comprising:

with a computer, receiving a synchronization request from a client computer for information regarding a software update corresponding to a software product; and

responsive to the synchronization request:

determining whether a software update is available for the software product;

generating a tag-based data structure storing metadata corresponding to a software update available for installation on the client computer, the tag-based data structure comprising:

a tag-based identifier element storing metadata that uniquely identifies the software update;

a relationship element storing metadata identifying relationships the software update has to other software updates, the relationship element including bundle information that identifies a plurality of software updates that must be installed coextensively, wherein the plurality of software updates are joined together with Boolean operators into a logical statement, such that the evaluation of the logical statement determines the suitability of the plurality software updates for installation on the client computer; and

at least one additional element of the following tag-based elements:

a property element storing metadata identifying general properties relating to the software update including update handler information identifying an update handler for installing the identified software update on the client computer;

a localized property element storing metadata identifying language specific information directed to a computer user relating to the software update;

a rule element storing metadata identifying rules for determining the applicability of the software update to a client computer;

a file element storing metadata identifying the identified software update's payload and information relating to the software update's payload; and

a handler element storing metadata identifying information for executing the update handler identified in the property elements for installing the identified software update on the client computer; and

providing the tag-based data structure to the client computer.

2. (Previously presented) The method of Claim 1, wherein the tag-based data structure is an XML data structure.

3. (Previously presented) The method of Claim 1, wherein the tag-based elements in the tag-based data structure are arranged in the tag-based data structure such that the identifier

element is located in the tag-based data structure before property elements, property elements are located in the tag-based data structure before localized property elements, localized property elements are located in the tag-based data structure before relationship elements, relationship elements are located in the tag-based data structure before rule elements, rule elements are located in the tag-based data structure before file elements, and file elements are located in the tag-based data structure before handler elements.

4. (Previously presented) The method of Claim 3, wherein the identifier element includes a unique identifier that uniquely identifies the software update, and a revision number associated with the software update.

5. (Previously presented) The method of Claim 3, wherein the relationship element includes prerequisite information that identifies another software update that must be installed before the identified software update is installed.

6. (Previously presented) The method of Claim 5, wherein the relationship element further includes information identifying a plurality of software updates joined together with Boolean operators into a logical statement, such that the evaluation of the logical statement determines the suitability of the identified software update for installation on the client computer.

7-8. (Canceled)

9. (Previously presented) The method of Claim 3, wherein the relationship element includes supersedence information that identifies at least one other software update that is superseded by the identified software update.

10. (Previously presented) The method of Claim 3, wherein the relationship element includes prerequisite information that identifies other software updates that must be installed

before the identified software update is installed, bundle information that identifies a plurality of software updates that must be installed coextensively, and supersedence information that identifies at least one other software update that is superseded by the identified software update.

11. (Previously presented) The method of Claim 1, wherein the file element includes information identifying the software update's payload for patching existing files on the client computer.

12. (Previously presented) The method of Claim 1, wherein the file element includes information identifying the software update's payload for replacing existing files on the client computer.

13. (Previously presented) The method of Claim 12, wherein the file element further includes information identifying the software update's payload for patching existing files on a client computer and replacing existing files on the client computer.

14. (Currently amended) A computer-implemented method for communicating update metadata corresponding to a software update to a client computer, comprising:

with a computer, receiving a synchronization request from a client computer for information regarding a software update corresponding to a software product; and

responsive to the synchronization request:

determining whether a software update is available for the software product;

generating a tag-based data structure storing metadata corresponding to a software update available for installation on the client computer, wherein the tag-based elements are text-based elements, the tag-based data structure comprising:

an identifier element that uniquely identifies the software update;

a relationship element storing relationships the software update has to other software updates, the relationship element including bundle information that identifies a plurality of

software updates that must be installed coextensively, wherein the plurality of software updates are joined together with Boolean operators into a logical statement, such that the evaluation of the logical statement determines the suitability of the plurality software updates for installation on the client computer; and

at least one additional element of the following elements:

a property element storing general properties relating to the software update including update handler information identifying an update handler for installing the identified software update on the client computer;

a file element identifying the identified software update's payload and information describing to the software update's payload; and

a handler element storing information for executing the update handler identified in the property elements for installing the identified software update on the client computer; and providing the tag-based data structure to the client computer.

15. (Previously presented) The method of Claim 14, wherein the tag-based data structure is an XML data structure.

16. (Previously presented) The method of Claim 14, wherein the identifier element includes a unique identifier that uniquely identifies the software update, and a revision number associated with the software update.

17. (Previously presented) The method of Claim 16, wherein the relationship element includes prerequisite information that identifies another software update that must be installed before the identified software update is installed.

18. (Previously presented) The method of Claim 17, wherein the relationship element further includes information identifying a plurality of software updates joined together with

Boolean operators into a logical statement, such that the evaluation of the logical statement determines the suitability of the identified software update for installation on the client computer.

19-20. (Canceled)

21. (Previously presented) The method of Claim 16, wherein the relationship element includes supersedence information that identifies at least one other software update that is superseded by the identified software update.

22. (Previously presented) The method of Claim 16, wherein the relationship element includes prerequisite information that identifies other software updates that must be installed before the identified software update is installed, bundle information that identifies a plurality of software updates that must be installed coextensively, and supersedence information that identifies at least one other software update that is superseded by the identified software update.

23. (Previously presented) The method of Claim 16, wherein the file element includes information identifying the software update's payload for patching existing files on the client computer.

24. (Previously presented) The method of Claim 16, wherein the file element includes information identifying the software update's payload for replacing existing files on the client computer.

25. (Previously presented) The method of Claim 24, wherein the file element further includes information identifying the software update's payload for patching existing files on the client computer and replacing existing files on the client computer.

Examiner's remark

3. The claims 1-6, 9-18 and 21-25 meet the requirement of statutory subject under U.S.C 35 101 since the claims 1 and 14 recite the method and the method claims are tied to another statutory class, for particular, the claims 1-6, 9-18 and 21-25 are tied to computer.

Reasons for Allowance

4. Claims 1 -6, 9- 18 and 21-25 are allowed

The following is an examiner's statement of reason for allowance:

The Examiner agree with Applicant's argument filed on 11/26/2009 at pages 9-12 and the reasons for allowance is the same with the Applicant's argument.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung VY whose telephone number is (571) 272-1954. The examiner can normally be reached on Monday-Friday 8:30 am - 5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DON WONG can be reached on (571) 272-1834. The fax numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 308-7722 for After Final communications.

Information regarding the status of an application may be obtained from the patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either private Pair or Public Pair. Status information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hung T Vy/
Primary Examiner, Art Unit 2163
February 05, 2009.